

Conservation Commission Meeting Minutes
March 13, 2013

Members Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., Vice Chairman, Deborah A. Feltovic, John T. Mabon, Albert P. Manzi, Jr. Sean F. McDonough, Douglas W. Saal.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Meeting came to Order at: 7:01 PM Quorum Present.

Approval of Minutes of 2/13/13

- A motion to accept the meeting minutes of 2/13/13 as drafted and reviewed is made by Mr. Lynch, seconded Ms. Feltovic.
- Vote unanimous.

Public Hearings: 7:02 PM

Abbreviated Notice of Resource Area Delineation

242-1585, 0 Turnpike Street (Smolak) (ESS) (cont. from 2/27/13) (Request to cont. to 3/27/13)

- A motion to grant the request for a continuance to the March 27, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *E/Mail from Greg Saab of ESS 70Bailey Court, Haverhill, MA 01832 requesting a continuance to March 27, 2013 dated 3/12/13.*

Notice of Intent (NOI)

242-1580, 1018 Osgood Street (JFJ Holding, LLC) (MHF Design Consultants, Inc) (cont. from 2/17/13) (Request to cont. to 3/27/13)

- A motion to grant the request for a continuance to the March 27, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *E/Mail from Mark Gross of MHF Design Consultants, Inc. 44 Stiles Road, Suite one, Salem, NH 03079 requesting a continuance to March 27, 2013 dated 3/11/13.*

242-1578, 1193 Great Pond Road (Zaref) (Sanborn and Head Associates) (cont. from 2/27/13) (Request to cont. to 4/10/13)

- A motion to grant the request for a continuance to the April 10, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *E/Mail from Adam F. Brillard of Prince Lobel Tye, LLP, 100 Cambridge Street, Suite 2200, Boston, MA 02114 requesting a continuance to April 10, 2013, dated 3/7/13.*

242-1572, 108 Campion Road (Montopoli) (Andover Consultants, Inc.) (cont. from 2/27/13)

- The administrator reviews the restoration proposal.
- The applicant Barbara Montopoli of 108 Campion Road and James Fairweather of Andover Consultants, Inc. and Judy Wright, landscape architect, are present.
- Mr. Fairweather states the applicant received a watershed special permit from the Planning Board on February 2, 2013; appeal period over February 26, 2013.
- Mrs. Montopoli states the remaining white pine trees will not be cut down.
- Mr. Fairweather states that this is after the fact filing and he is not certain how many trees were cut down originally.
- Mr. Mabon questions the Administrator if all of the plantings are native.
- Administrator states the Conservation Department gave the applicant a list of native plantings.
- Mr. Lynch discusses the plan for monumentation.
- Mr. Fairweather recommends low boulders to monument the area.
- Mr. Saal states the easement needs to remain passable and it appears some of the plantings could block the easement.
- Administrator states wetland markers could be put up on posts or on existing trees. Markers could also be affixed to the boulder wall.
- Mr. McDonough and Mr. Manzi want a dry set stone wall.
- There is discussion of what type of wall will be acceptable.
- The NACC agrees that a dry set stone wall is needed and that the Administrator should approve staked wall and planting locations prior to installation to prevent blocking easement.
- A motion to grant to close and issue a decision within 21 days is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Plan of Land dated 12/13/12, Landscape Architect Plan dated 11/12*
- *Photos dated 10/22/12*

242-1559, 40 Sugarcane Lane (LaGrasse) (Hancock Associates) (cont. from 2/27/13)

- The applicant Joseph and Lisa LaGrasse of 40 Sugarcane Lane and Joseph Peznola of Hancock Associates are present.
- Mr. Peznola presents the revised plan with the shed 46' from the Ephemeral Pool Habitat. Mr. Peznola notes this is farther away than the driveway.
- Mr. Mabon states the goal was to get the shed outside the 50-foot No-disturb zone to the ephemeral pool.
- Mr. Peznola states this does not work because backing out of the garage would be tight to get by the shed.

- Mr. Napoli reiterates that the 50' No-Disturb was conveyed to the applicant at the last meeting.
 - Mrs. LaGrasse states the ramp of the shed is too close to the garage and this does not work because the family cannot back out the garage.
 - Mr. Lynch states the shed could get closer to the drive and out of the 50' with the ramp toward the back yard.
 - Mr. Saal and Ms. Feltovic agree the shed needs to be out of the 50' No-Disturb Zone.
 - Mr. Peznola presents a new plan showing the shed out of the 50' No-Disturb Zone.
 - Mr. LaGrasse states he is worried he will encounter boulders in this area.
 - Mr. Peznola states some tree removal may be required if roots are damaged.
 - There is discussion on the waiver.
 - A motion to accept the waiver request for the 75-foot No-Build zone from ephemeral/vernal pool is made by Mr. Lynch, seconded by Mr. Manzi.
 - Vote unanimous.
 - A motion to grant to close and issue a decision within 21 days is made by Mr. Lynch, seconded by Ms. Feltovic.
 - Vote 6 to 1 (Mr. McDonough apposed)
- Documents:**
- *Letter from Hancock Associates dated 2/13/13*
 - *Notice of Intent Plan dated 7/6/12, revised Notice of Intent Plan dated 1/29/13*

242-1582, 1049 Salem Street (Lot 70) (Hughes) (Merrimack Engineering Services, Inc) (cont. from 2/27/13) (Request to cont. to 3/27/13)

- A motion to grant the request for a continuance to the March 27, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
 - Vote unanimous.
- Document:**
- *Letter from Johnson & Borenstein, LLC dated 2/28/13*

242-1573, 88 Duncan Drive (Wiemann) (Arc Surveying & Engineering Associates) (cont. from 2/27/13) (Request to cont. to 3/27/13)

- A motion to grant the request for a continuance to the March 27, 2013 is made by Ms. Feltovic, seconded by Mr. McDonough.
 - Vote unanimous.
- Document:**
- *E/Mail from Timothy J. Meehan, P.L.S. President of Arc Surveying & Engineering Associates, Inc. 25 Fordham Way, Newbury, MA. 01951 requesting a continuance to March 27, 2013 dated 3/12/13*

242-1586, 213 Carlton Lane (Fowler) (LJR Engineering, Inc.)

- Luke Roy of LJR Engineering, Inc. is present
- Mr. McDonough reads the legal notice.
- Mr. Roy presents the plan showing a replacement septic system. The current system has failed.

- Mr. Mabon states stream runs off property behind the inground pool. Mr. Mabon asks if it is perennial.
- Administrator states this project received a waiver thru Health Department because the septic system is within 100' of wetland resource areas.
- Mr. Lynch asks if a holding tank will be used.
- Mr. Roy states the new tank will be installed and used until the new leaching field is in place.
- Mr. Lynch asks about stockpiling and access.
- Mr. Roy describes why the system must be located in the buffer zone (utilities).
- Final stabilization is discussed. Hay will be used on slopes if needed.
- Ms. Feltovic asks about the confirmatory test pits that are required by the Board of Health.
- Mr. Roy states they will be done.
- The Commission discusses having the as-built show the pool.
- The Commission discusses the location of wetland markers.
- A motion to grant to close and issue a decision within 21 days is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *USGS Locus Map dated 2/26/13*
- *Wetland Fee Transmittal Form*
- *Copies of State and Local Checks*
- *Certified List of Abutter's dated 2/19/13*
- *Notification Form to Abutter's*
- *Affidavit of Service*
- *Appendix*
- *Project Narrative*
- *Subsurface Septic Disposal System Replacement Plan dated 2/7/13*
- *Photos dated 3/11/13*
- *Google Earth dated 1995*

242-1584, 250 Clark Street (KEYW Corporation) (Flight Data, Inc.) (Williams & Sparages) (cont. from 2/27/13) (Request to cont. to 3/27/13)

- A motion to grant the request for a continuance to the March 27, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *Letter from Williams & Sparages requesting a continuance to March 27, 2013 meeting dated 3/13/13*

242-1583, 120 Holt Road (TBI, Inc.) (Green Seal Environmental, Inc) (cont. from 2/27/13)

- The applicant William Thomson of 210 Holt Road and Gary James of Green Seal Environmental, Inc. are present.
- Mr. James submitted a new Notice of Intent with plans at the meeting.
- Mr. James presents the project which is a ramp connecting the applicant's two properties. There will be a retaining wall and it will be about 32' from the BVW. There will also be a water quality swale and roof water will be infiltrated. The swale will remove 40% TSS.
- Mr. James states the applicant would also like to clean out the 36-inch culvert that the brook runs through. It is currently blocked with debris and not draining properly.
- The Conservation Commission discusses the proposal to clean the culvert. More details are needed on how this will be done.
- Administrator states the site is very muddy.
- The NACC discusses improvements to the surface of the site.
- Mr. James states the area behind the retaining wall will be returned to a natural state.
- Administrator states an alternative analysis needs to be submitted because the work is being done in 50-foot No-Build zone.
- The commission discusses the purpose of the ramp.
- Ms. Feltovic states debris on site needs to be removed.
- Mr. Thomson states some of the fill will be used and some will be removed.
- Mr. McDonough states a permanent barrier is required and would like to see alternatives for work in the 50-foot No-Build zone.
- Mr. Saal states reviews the use of the yard (parking and equipment storage) and asks about the protection of the swale.
- Mr. Napoli says a project purpose is needed in the narrative.
- Mr. Manzi would like to see more information on the construction process.
- Mr. Lynch asks if test pits have been done.
- Mr. James states test pits will be done.
- The Commission discusses the need for peer review. Not at this point.
- Mr. Napoli asks for a filter strip at the swale.
- A motion to grant the request for a continuance to March 27, 2013 meeting is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *Project Description*
- *Work Description*
- *Locus Map*
- *NOI Wetland Fee Transmittal Form*
- *Copies of State and Local Checks*
- *Stormwater Control Operations and Maintenance Plan*
- *Stormwater Checklist & Stormwater Calculations*
- *Drainage Calculations for 210 Holt Road*
- *Purpose*
- *Method*

- *Assumption*
- *Register Professional Engineer's Certification dated 3/13/13*
- *Existing Conditions*
- *Proposed Conditions*
- *Watershed Data catch basin No. 1 from Ramp*
- *Infiltration System Design*
- *Catch Basin No 2*
- *Results*
- *Notification of Abutter's Form*
- *Certified Abutter's List dated 12/26/12*
- *Proposed Grading Plan dated 1/9/13*
- *Details Plan dated 1/9/13*
- *Photos dated 3/5/13*

General Business: 8:45 PM

242-1544, Modification Request, 195 Bridle Path (Ercolini) (Merrimack Engineering Services, Inc.)

- The applicant Robert Ercolini of 195 Bridle Path is present.
- Administrator states the applicant would like cut down three trees one is in the 25-foot-Disturbance zone. Also the applicant would like to install porous pavers on top of the stone dust area where they park their cars.
- Mr. McDonough asks if this parking area within the 50-foot No-Build zone.
- Administrator states yes the porous paver parking area is within the 50-No-Build zone.
- Mr. Ercolini discusses the need to bring a crane in.
- A motion to grant the modification with conditions allowing 1 dead tree in the 25' No-Disturb zone and 2 more trees that are outside the No-Disturb zone to be removed and to allow stone dust area of parking be replaced with porous pavers is made by Mr. Lynch, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Robert Ercolini for Modification Request dated 2/7/13*
- *Letter from Robert Ercolini for Modification Request dated 2/7/13*
- *North Andover Conservation Commission Waiver Request Form dated 2/7/13*
- *North Andover Conservation Commission Waiver Request Form dated 2/7/13*
- *Photo tree 1 & 2*
- *Photo tree 3 within the 25-foot No-Disturbance zone*
- *Plan of Land dated 2/7/13*
- *ECO-Priora dated 3/13/13*
- *Tech-Bloc permea pavers*
- *Photos dated 3/13/13*

A motion to adjourn the meeting at: 9:00 PM is made by Mr. Manzi, seconded Mr. Lynch

Vote unanimous.